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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

HIGH COURT OF TRIPURA
AGARTALA

NO.3(35)-HC/2024/701 **Dated, Agartala, the 11/01/2024.**

NOTIFICATION

In exercise of the powers conferred under Article 225 of the Constitution of India, Section 28E of the North Eastern Areas (Re-organization) and other Related Laws (Amendment) Act, 2012 (Act No. 26 of 2012), Section 122 of the Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, the High Court of Tripura do hereby makes the following rules further to amend the High Court of Tripura Rules, 2023 (herein after referred to as the 'Principal Rules') as follows:

1. Short Title and Commencement:

(1) These Rules may be called **"THE HIGH COURT OF TRIPURA (2ND AMENDMENT) RULES, 2024."**

(2) It shall come into force from the date of the publication in the Tripura Gazette.

2. AMENDMENT OF RULE 1 OF CAPTION E OF CHAPTER VIII

In the Principal Rules, the provision of Rule 1(a) of Caption E of Chapter VIII shall stand deleted.

3. AMENDMENT OF RULE 4 of Caption O of Chapter VIII

(i) In the Principal Rules, the provision of Rule 4 (2) of Caption O of Chapter VIII shall stand deleted.

(ii) In the Principal Rules, in the provision of Rule 4(3) of Caption O of Chapter VIII the following clause shall stand deleted :

"If the number of the accused are more than one, the affidavit shall state as to whether or not bail application of co-accused is pending or has been disposed of in the High Court."

(iii) In the Principal Rules, in the affidavit appended to the Format of Anticipatory Bail Application under Section 438 Cr.P.C, the following clause shall stand deleted:

"3. That, I have engaged Mr. ..... Advocate as my counsel to move and argue the bail application before this Hon'ble Court on my behalf."

(iv) In the Principal Rules, in the affidavit appended to the Format of Bail Application under Section 439 of Cr.P.C, the following clause shall stand deleted:

"4. That, I have engaged Mr. ..... Advocate as applicant's counsel to move and argue the bail application before this Hon'ble Court on his behalf."

4. AMENDMENT OF RULE 6 OF CAPTION Q OF CHAPTER VIII

(i) In the Principal Rules, in the provision of Rule 6 of Caption Q of Chapter VIII the following words shall stand deleted :

"and/or to debar a petitioner or an Advocate to file Public Interest Litigation if found to be indulging in frivolous or motivated litigation."

(ii) In the Principal Rules, in the Affidavit as provided in Proforma-A appended to Chapter VIII the following clause shall stand deleted:

"3.Petitioners has/have gone through the TRIPURA PUBLIC INTEREST LITIGATION RULES 2016 and do hereby affirm that the present Public Interest Litigation is in conformity thereof."

5. AMENDMENT OF RULE 12 TO 15, 17, 20 TO 22 OF CHAPTER XVIII

In the Principal Rules, the provision of Rule 12 to 15, 17, 20 to 22 of Chapter XVIII shall stand deleted.

6. AMENDMENT OF FORM NO.IV AND SCHEDULE 1-A PART-I (CIVIL) .

(i) In the Form No. IV appended to the Principal Rules, the words ".....Chief Justice at Bombay aforesaid," shall be replaced with ".....Chief Justice at Tripura aforesaid,"

(ii) In Schedule 1-A Part-I(Civil) appended to the Principal Rules, the words "Under Bombay Rent Act" shall stand deleted.

7.AMENDMENT OF CHAPTER VIII

In the Principal Rules, in Chapter VIII titled Practice and Procedure, after Caption B, the following shall be inserted:

B(A).GENERAL RULES FOR WRIT APPEALS:

1) An appeal from the Judgment and/Order of a Single Judge disposing of an application shall lie to the Division Bench;

2) In all writ appeals the Memorandum of Appeal must be accompanied by a certified copy of the Judgment and/Order passed in writ petition along with a complete set of the writ petition and the annexures thereof; copies of the counter affidavit/affidavit in opposition and all other connected papers filed by the parties to the writ petition which has been challenged in the writ appeal;

3) Documents annexed to the Memo of Appeal shall be marked as 'Annexure-A/1', 'Annexure-A/2' etc;

4) The appeal shall as far as practicable be in Form No.I in Appendix below:

APPENDIX

Form No. I

In the High Court of Tripura

(Writ Appellate Jurisdiction)

WA NO .....OF.....

.....Appellant(s)

Versus

.....Respondent(s)

Writ Appeal presented against Judgment and/Order dated.....of Ld. Single Judge in

WP No.....of.....

Para 1: Facts of the case.

Para 2: Contentions of the petitioner before the Single Judge.

Para 3: Contentions of respondent (opposite party) before Single Judge.

Para 4: Points which arose for decision before Single Judge.

Para 5: Conclusions and decisions of Single Judge.

Para 6: Grounds on which the conclusions and decisions of Single Judge are challenged.

Para 7: Relief sought in appeal.

State if conclusions and decisions of Single Judge are to be set aside wholly or in part or in what manner and to what extent.

I, ... Advocate for the appellant(s) do hereby certify that the grounds set forth above are good grounds of appeal and I undertake to rely on the same at the time of hearing.

(Advocate)

List of papers:

1. Index	- 1
2. List of Dates	- 1
3. Chronology of events with Synopsis	- 1
4. Memorandum of Appeal	- 1
5. Authenticated copy of the Writ Petition with relevant annexures	- 1
6. Copy of the affidavit-in-opposition	- 1
7. Counter – Affidavits, if any	- 1
8. Other relevant papers filed by the party in the relevant Writ Petition	- 1
9. Certified copy of the Judgment and/Order in WP	- 1
10.Vakalatnama	- 1
11.One extra set of above	- 1

Note - All papers/Documents are to be neatly typed and clearly legible.

5) **Period of limitation and power to condone delay:** The period of limitation for filing appeal from an order passed under the Writ Jurisdiction by the High Court shall be 30 (thirty)days subject to power to condone any delay.

By order,

Sd/-

(Vishwajeet Pandey)

Registrar General